

### **REMARKS**

The Board of Appeals, in summary, was considering three groups of rejections: 1) rejection of Claims 11-18 under 35 USC 112, 2) rejection of Claims 11 and 15 under 103(a) over commonly-owned US Patent No. 5,172,459 to Goineau, and 3) rejection of Claims 12-14 and 16-18 under 103(a) over Goineau in view of US Patent No. 4,043,010 to Gorrafa. Each of these rejections and the decisions of the Board will be discussed below.

The Board sustained the rejection under 35 USC 112 as to claims 11-16, but reversed the rejection with respect to Claims 17 and 18. Specifically, the Board found that there was an issue with respect to the use of the terminology "single ply" and "without further processing" in Claims 11-16, but did not find that terminology in Claims 17-18. Claims 11-16 have been rewritten to remove the language objected to by the Board; therefore, it is believed that this rejection has been obviated.

The board reversed the rejection of Claims 11 and 15 over Goineau, finding that there was no motivation for the Examiner's position that "it would have been obvious at the time the invention was made to one of ordinary skill in the art to provide the oriented yarn directly to a take up roll without further processing in order to provide a non-textured fully oriented yarn rather than a textured yarn". (Decision, p. 8-9.) The Board stated that Goineau was "directed toward producing a textured yarn", and that they "perceive no motivation, and the examiner has suggested none, for eliminating the air texturing step from the

Goineau process. The fact that one of ordinary skill would expect that removal of the air texturing step would bring about a non-textured yarn, as the examiner states, supra, does not constitute a motivation for removing that step, absent any teaching or suggestion to do so." (Decision p. 9.)

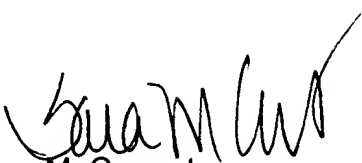
The rejection based on Goineau in view of Gorrafa was reversed with respect to Claims 12-14 and 16, and sustained with respect to Claims 17 and 18. Claims 11-18 have all been refined to reflect that the claimed process achieves an untextured industrial yarn. The "untextured" feature is fully supported by the originally-filed specification, as evidenced by the Board of Appeals analysis (described above) which explicitly distinguished the untextured yarn of the present invention from the textured yarn described in the Goineau patent. Furthermore, the term "industrial yarn" has specific meaning of having high tenacity (as evidenced in Applicant's specification, and in the definition from "Compilation of ASTM Standard Definitions, " Eighth Edition, copyright by American Society for Testing and Materials, 1994, pg. 267, cited herewith), and it is well known that texturing reduces the tenacity of yarns (see e.g. the cited reference from Textiles for Residential and Commercial Interiors), and therefore the Goineau textured yarn would not be described as an industrial yarn.

Because all of the claims are believed to be in condition for allowance, reconsideration and withdrawal of the pending rejections, and issuance of the pending claims, are respectfully requested.

Serial No. 08/863,113  
Inventor(s): Goineau et. al.

USPTO Customer No. 25280  
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Respectfully submitted,



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